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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,421	10/16/2002	Ken Scott Fisher		6749

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EXAMINER

GUYTON, PHILIP A

ART UNIT PAPER NUMBER

2113

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/065,421

Applicant(s)

FISHER ET AL.

Examiner

Philip Guyton

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

It does not identify the citizenship of each inventor.

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities: reference to "IEE-1394" should be "IEEE-1394." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 7, 8, 11, 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,181,630 to Caulkins.

With respect to claim 1, Caulkins discloses a method for portable computer data protection, comprising:

providing a portable memory drive (figure 1, "volatile memory storage expansion card") having a static register with a value stored therein [volatile memory (figure 1, item 1)] and a common interface (column 1, lines 30-37) for connection to, and communication with, a computer system (figure 1, "host computer") having storage therein [host mounted non-volatile storage device (figure 1, item 6)]; and

managing operation of said portable memory drive through a data management program which include the substeps of:

storing in said computer system said value contained in said static register (column 2, lines 11-14); and

upon a loss of communication between said memory drive and said computer system, and upon the subsequent recommunication there between, copying said value from said computer system to said static register (column 2, lines 48-52).

With respect to claim 2, Caulkins discloses wherein said portable memory storage drive further comprises an energy storage device contained within said portable memory device [rechargeable battery system (figure 1, item 8)].

With respect to claim 4, Caulkins discloses wherein said static register values are stored on a hard drive in said computer system [magnetic disk (column 1, lines 14-16)].

With respect to claim 7, Caulkins discloses a portable data storage system comprising:

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a portable mass storage device (figure 1, "volatile memory storage expansion card") having a common interface (column 1, lines 30-37) for connection to a computer system (figure 1, "host computer") and a static register [volatile memory (figure 1, item 1)];

an energy storage device [rechargeable battery system (figure 1, item 8)] in electrical communication with said static register such that said static register will retain a last stored value throughout a transient disconnection of said common interface (column 2, lines 41-47); and

a computer program stored on a storage media for execution by said computer system such that upon reconnection of said common interface after said transient disconnection, the said portable mass storage device will resume normal operation without the intervention of a computer operator (column 2, lines 48-52).

With respect to claim 8, Caulkins discloses wherein upon detecting a transient disconnection, said computer program provides a warning notification [alarm condition (column 2, lines 28-33)] wherein said computer operator is prompted to reconnect said mass storage device (column 2, lines 33-34).

With respect to claim 11, Caulkins discloses wherein said computer system includes memory [host mounted non-volatile storage device (figure 1, item 6)] and a copy of data written to said portable mass storage device is also written to said memory (column 2, lines 11-14).

With respect to claim 13, Caulkins discloses wherein said memory comprises a hard disk [magnetic disk (column 1, lines 14-16)].

With respect to claim 18, Caulkins discloses a connection error recovery system comprising:

an external computer device (figure 1, "volatile memory storage expansion card") having a common interface (column 1, lines 30-37) for connection to a computer system (figure 1, "host computer") and a static register [volatile memory (figure 1, item 1)];

an energy storage device [rechargeable battery system (figure 1, item 8)] in electrical communication with said static register such that said static register will retain a last stored value throughout a transient disconnection of said common interface (column 2, lines 41-47); and

a computer program stored on a storage media for execution by said computer system such that upon reconnection of said common interface after said transient disconnection, the said external computer device will immediately resume normal operation without the intervention of a computer operator (column 2, lines 48-52).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulkins in view of U.S. Patent No. 6,871,271 to Ohran et al. (Ohran).

With respect to claims 3 and 12, Caulkins does not disclose expressly wherein said static register values are stored in random access memory in said computer system.

Ohran teaches a system that stores data from a mass storage device to random access memory of a computer system for backup purposes (column 2, lines 47-65 and column 4, lines 65-67 and column 5, lines 1-4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Caulkins by storing static register values in random access memory, as taught by Ohran. A person of ordinary skill in the art would have been motivated to do so because corrupted data in the storage device could easily be restored using the backup provided by the random access memory, as taught by Ohran (column 3, lines 7-11). Additionally, Atkinson (U.S. Patent No. 6,694,451) teaches that random access memory provides storage for large amounts of data and also provides much faster access when compared to disks or drives (column 1, lines 24-37).

With respect to claim 14, Caulkins does not disclose expressly wherein said computer program is configured to compare the data stored in said portable mass storage device with the data stored in said memory and to copy data from said memory to said mass storage device to correct any differences.

Additionally, with respect to claim 15, Caulkins discloses a portable data storage system comprising:

a computer system (figure 1, "host computer") having memory [host mounted non-volatile storage device (figure 1, item 6)];

a portable mass storage device (figure 1, "volatile memory storage expansion card") having a common interface (column 1, lines 30-37) for connection to said computer system and a static register [volatile memory (figure 1, item 1)]; and

However, Caulkins does not disclose expressly wherein a computer program stored on a storage media for execution by said computer system such that data written to said portable mass storage device is first written to said memory such that said computer program will direct said program to compare data stored in said memory to data stored in said portable mass storage device and correct the data stored in said portable mass storage device when a difference is found.

Ohran teaches a system wherein data is stored in a mass storage device is also stored in memory of a computer system (column 2, lines 47-57), such that when data in the storage device becomes corrupt, data from computer memory can be compared and restored to the storage device until all of the data in the storage device is valid (column 3, lines 7-27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Caulkins by comparing data stored in memory with data stored in the portable storage device, as taught by Ohran. A person of ordinary skill in the art would have been motivated to do so because Ohran teaches that a complete backup copy of the data stored in the storage device may not accurately reflect the state of the data at the time of fault (column 2, lines 9-24). In contrast, the teachings of Ohran allow data to be reinstated up to the point of corruption, and thus would have been highly desirable to Caulkins.



7. Claims 5, 6, 9, 10, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulkins in view of U.S. Patent No. 6,614,708 to Lin et al. (Lin).

With respect to claims 5, 9, and 16, Caulkins does not disclose expressly wherein said common interface comprises a universal serial bus. Additionally, with respect to claims 6, 10, and 17, Caulkins does not disclose expressly wherein said common interface comprises an IEEE-1394 bus.

Lin teaches use of a universal serial bus as well as an IEEE-1394 bus for interfacing a storage device with a computer system (column 2, lines 14-21).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Caulkins to use a universal serial bus as well as an IEEE-1394 bus, as taught by Lin. A person of ordinary skill in the art would have been motivated to do so because universal serial bus and IEEE-1394 are common interfaces that are used in connection with portable storage devices, as taught by Lin (column 1, lines 16-27).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Guyton whose telephone number is (571) 272-3807. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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